IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 16892 of 2003

DATED: 03.03.2006

Between:

C.R.D. Sarada petitioner

And

The Nizams Institute of Medical Sciences,

Rep by its Registrar Respondent

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 16892 OF 2003

ORAL ORDER:

The present writ petition is filed questioning the order No.4/57/89/H2 dated 30.06.2001 terminating the petitioner from services on the ground of unauthorized absence from duty from 7.1.2000.

The petitioner herein who was working as Dialysis Technician in the Nephrology Department of Nizams Institute of Medical Sciences, Hyderabad applied for leave from 5.1.2000 for 10 days to attend her father-in-law at Narsaraopet. On completion of leave period she could not join the duty and extended the leave from time to time on personal grounds. The respondent institute issued telegrams dated 11.2.2000, 15.2.2000 and 18.2.2000 directing her to join the duty immediately, however, she could not join the duty and ultimately on 22.4.2000 a memo was issued to her to join the duty immediately. The petitioner submitted a letter dated 28.4.2000 indicating reasons for her absence from duty. Thereafter a charge memo dated 8.9.2000 was issued and an enquiry was ordered. The Enquiry Officer submitted the enquiry report on 17.11.2000. Based on the enquiry report, a show cause notice dated 23.11.2000 was issued to the petitioner followed by another show cause notice dated 6.6.2001, for which the petitioner could not submit her explanation. Ultimately by impugned order dated 30.6.2001, the services of the petitioner were terminated. As against the termination order dated 30.6.2001, the petitioner submitted an appeal to the President of the respondent institution on 1.3.2003 and alleges that the same is pending till date and no orders are passed thereon. Hence, the present writ petition.

Learned Standing Counsel for respondent submitted that as against the impugned order of termination dated 30.06.2001, an appeal lies to the Board under Rule 15 of N.I.M.S. Control and Appeal Rules and the same has to be submitted to the Director. It is further submitted that the respondent institute has no objection to treat the appeal submitted by the petitioner on 1.3.2003 as an appeal under Rule 15 of the Rules and to dispose of the same in accordance with law.

Learned counsel for petitioner submitted that petitioner may be permitted to submit a fresh appeal to the Director of the respondent Institute under Rule 15 and the same may be directed to be disposed of expeditiously. Learned Standing Counsel for respondent institute agreed for the same.

Heard learned counsel for petitioner and learned Standing Counsel for respondent.

Since an alternative remedy of appeal lies under Rule 15 of the NIMS Control and Appeal Rules and in view of the agreed stand taken by both the counsel, I deem it appropriate to dispose of the writ petition directing the petitioner to submit an appeal to the Director of the respondent institute within a period of two weeks from the date of receipt of copy of this order. On filing such an appeal, the respondent is directed to consider the same without reference to delay in filing the appeal and pass appropriate orders in accordance with law expeditiously, preferably within a period of two months from the date of filing.

Accordingly, the writ petition is disposed of . No costs.

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N.V.RAMANA,J

03.03.2006

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